

Tumialán, Rosa M.

From: Tumialán, Rosa M.
Sent: Tuesday, September 12, 2017 3:20 PM
To: Jewell, Elizabeth
Subject: RE: Napout [CC-US1.FID389718]

Why is this the FIRST time I am hearing of this? What exactly do you now require? And how does this belated request hold up the other payments? What is the status of the 1.25M that was supposed to issue two months ago?

----- Original Message -----

Subject: RE: Napout [CC-US1.FID389718]
From: "Jewell, Elizabeth" <Elizabeth.Jewell@clydeco.us>
Date: Sep 12, 2017, 2:42 PM
To: "Tumialán, Rosa M." <RTumialan@dykema.com>
Rosa,

The explanation below regarding flat fees still does not resolve the outstanding documentation needed and requested in our June 29 correspondence. We have received and reviewed the Pinera costs that have been provided pursuant to our requests and are processing those for payment. We are also processing the newer invoices submitted, but again, we have not received support for expenses from Greenberg for these newer invoices.

Elizabeth Jewell
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We have moved! Please note our new address and phone number

From: Tumialán, Rosa M. [mailto:RTumialan@dykema.com]
Sent: Tuesday, September 12, 2017 9:08 AM
To: Jewell, Elizabeth
Subject: RE: Napout
Importance: High

Liz- where are we on this?

DyKEMA

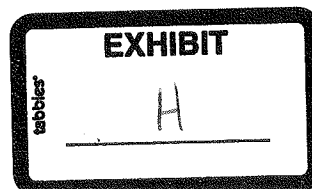
Rosa M. Tumialán
Member

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From: Tumialán, Rosa M.
Sent: Friday, September 8, 2017 4:25 PM
To: Jewell, Elizabeth (Elizabeth.Jewell@clydeco.us)
Subject: FW: Napout



Liz, see the email below re the Greenberg response to the June 29 letter. Simone received this and did not advise me that additional documentation was required. As such, your client has all the information needed to process these overdue payments.

From: Tumialán, Rosa M.
Sent: Tuesday, July 11, 2017 1:57 PM
To: Bonnet, Simone (Simone.Bonnet@clydeco.us)
Subject: Napout

Simone,

This email correspondence addresses the inquiries raised in the final bullet point in the June 29, 2017 correspondence relative to the Greenberg invoices from February 2017 to March 2017. These invoices were prepared and presented to Mr. Napout at that time pursuant to a \$100,000 flat fee arrangement in place for this time period. Per the agreement, Mr. Napout was billed \$100,000 per month which amount was drawn from an account of his personal funds set aside for this purpose. While the invoices only reflect \$100,000, the time entries were maintained for the purpose of tallying up any overages. Per the agreement, Mr. Napout was to pay all overages by the time of trial. As such, both the invoices and the time entries were recorded and prepared in real time, and not prepared after the fact for presentation to the insurers. The reason the April 2017 invoice looks different is that, since the insurers elected to fund the defense subject to a reservation of rights, the flat fee agreement with Mr. Napout was suspended. The invoice from April 2017 (as well as future invoices) will reflect the full amount of fees incurred. Your correspondence also questions the billing rates. Please note that billing rates are adjusted each year. Finally, defense counsel and Mr. Napout anticipated continuing with the \$100,000 per month flat fee arrangement. The insurer's decision to fund the defense subject to a reservation of rights changed this. Please let us know if this explanation addresses your inquiries.

Regards,
Rosa

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